

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLON DONNELL HOWARD,

Defendant.

CR 17–144–BLG–DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 91.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Marlon Donnell Howard’s admissions at the hearing, that he violated one condition of supervised release: the standard

condition that he not knowingly leave the federal judicial district where he is authorized to reside without first getting permission from the court or probation officer. (Doc. 91 at 6.)

Judge Cavan recommends that this Court revoke Howard's supervised release and sentence him to a custodial sentence of time served, with no term of supervised release to follow. (*Id.*) The Court finds no clear error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 91) is ADOPTED in full.

Marlon Donnell Howard shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 16th day of April, 2025.



Dana L. Christensen, District Judge
United States District Court